United Nations A/AC.253/17

General Assembly

Distr.: General
16 February 2000
Original: English

Preparatory Committee for the special session of the General Assembly entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world"
Second session
New York, 3-14 April 2000
Item 2 of the provisional agenda*
Preparations for the special session of the General Assembly entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world"

Progress achieved in the implementation of United Nations resolutions concerning the right of self-determination

Report of the Secretary-General

Contents

		Paragraphs	*Page*
I.	Introduction	1–2	2
II.	Commission on Human Rights	3–27	2
III.	Declaration on the Granting of Independence to Colonial Countries and Peoples; International Decade for the Eradication of Colonialism	28–35	4
IV.	The right of the Palestinian people to self-determination	36–38	5

* A/AC.253/12.

00-30117 (E) 020300

I. Introduction

1. The present report has been prepared pursuant to decision 1 of the Preparatory Committee for the special session of the General Assembly entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", in which the Preparatory Committee requests the Secretary-General to review and submit to it his reports on progress achieved in the implementation of United Nations resolutions concerning the right of self-determination, in particular for people living under colonial and foreign occupation, with a view to enabling them to participate freely in social and economic development.[1] The report covers the progress achieved since the World Summit for Social Development.

2. The agenda item "Right of peoples to self-determination" has been considered annually by the General Assembly on the basis of a report by the Secretary-General on the work of the Commission on Human Rights (see A/54/327). Under this item, the General Assembly has adopted each year a resolution entitled "The right of the Palestinian people to self-determination". Furthermore, the issue of the right to self-determination is also considered by the General Assembly in connection with the implementation of the Declaration on the Granting of Independence to Colonial Peoples contained in its resolution 1514 (XV). The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which is the organ established by the General Assembly to monitor the implementation of the Declaration, reports annually to the General Assembly in respect of people living under colonial occupation. The present report covers all these processes separately.

II. Commission on Human Rights

3. Since the World Summit for Social Development (Copenhagen, 6-12 March 1995), the Commission on Human Rights has continued to include in its agenda on an annual basis the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation". The resolutions adopted by the Commission are the basis for the Secretary-General's report to the General Assembly on the right of peoples to self-determination, and address the question of Western Sahara; the situation in occupied Palestine; and the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination.

4. A summary of the conclusions contained in the Commission's resolutions on self-determination from 1995 to 1999 is set out below, focusing on the progress achieved in their implementation. Also included is a brief summary of progress made in respect of the situation of human rights in East Timor.

Question of Western Sahara

5. From 1995 to 1999, the Commission on Human Rights considered and adopted resolutions on the question of Western Sahara every year (see Commission resolutions 1995/7, 1996/6, 1997/5, 1998/5 and 1999/4).

6. The Commission repeatedly recalled Security Council resolutions 658 (1990) and 690 (1991), through which the Council approved the Secretary-General's settlement plan calling for the holding of a referendum of self-determination to be organized and supervised by the United Nations in cooperation with the Organization of African Unity. Through the referendum, the people of Western Sahara will choose between independence and integration with Morocco.

7. The settlement plan calls for a ceasefire (which came into effect on 6 September 1991), to be followed by an exchange of prisoners of war, a reduction of the Moroccan troops in the Territory and confinement of the combatants of both sides to specific locations. In order to ensure that the necessary conditions exist for the holding of a free and fair referendum, the United Nations will monitor other aspects of the administration of the Territory, especially the maintenance of law and order. Following the proclamation of an amnesty, political prisoners will be released. All laws or regulations that might impede the holding of a free and fair referendum will be suspended, as deemed necessary. All refugees and other Western Saharans resident outside the Territory who wish to return will be enabled to do so by the United Nations after it has established their right to vote.

8. In its resolution 1996/6, the Commission referred to the lack of trust and the suspicion that exists between the two parties to the conflict. In its resolution 1997/5, it recalled Security Council resolution 1056 (1996), in which the Council suspended the work of the Identification Commission of the United Nations Mission for the Referendum in Western Sahara and supported the reduction in the size of the military component of the Mission as a result of insufficient progress in the implementation of the settlement plan.

9. The Commission on Human Rights repeatedly stressed the importance of direct talks between the parties to advance in the settlement plan and solve the impasse.

10. In its resolution 1998/5, the Commission on Human Rights expressed its satisfaction at the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro after private direct talks conducted under the auspices of the Personal Envoy of the Secretary-General, James Baker III.

11. In its resolution 1999/4, the Commission noted with satisfaction the progress made towards the implementation of the settlement plan since December 1997.

Situation in occupied Palestine

12. From 1995 to 1999, the Commission on Human Rights considered and adopted resolutions on the situation in occupied Palestine every year (see Commission resolutions 1995/4, 1996/5, 1997/4, 1998/4 and 1999/55). In those resolutions, the Commission reaffirmed the continuing and unqualified Palestinian right to self-determination, including the option of a State, and looked forward to the early fulfilment of this right.

13. In 1997, the Secretary-General reported to the General Assembly on the adoption of Commission on Human Rights resolution 1997/6 on the Middle East peace process (see A/52/485).

14. In its resolution 1997/6, the Commission expressed its full support to such achievements as the Declaration of Principles on Interim Self-Government Arrangements of 1993, the Agreement on the Gaza Strip and the Jericho Area of May 1994, the Agreement on the Preparatory Transfer of Powers and Responsibilities of August 1994 and the Interim Agreement on the West Bank and the Gaza Strip of September 1995, all signed by Israel and the Palestine Liberation Organization (PLO).

15. Jordan, which signed the Jordan-Israel Treaty of Peace in 1994, responded to the note verbale sent by the Secretary-General to all Governments in May 1998 referring to General Assembly resolution 52/113 and requesting information on the right of peoples to self-determination. Jordan expressed in its response its belief in the right of peoples to self-determination and its support for the Palestinian people in their struggle to achieve this right as well as the right to establish their own independent State within their national soil (see A/53/280).

16. In its resolution 1997/6, the Commission welcomed the signing by Israel and the PLO in 1997 of the Protocol concerning the Redeployment in Hebron, the redeployment of Israeli troops from parts of Hebron and the release by Israel of female Palestinian prisoners.

17. The Middle East peace process aims to achieve a just, lasting and comprehensive peace in the region. The Commission repeatedly stressed the right of the Palestinian people to achieve their national rights, particularly their continuing and unqualified right to self-determination.

Mercenaries

18. From 1995 to 1999, the Commission on Human Rights considered the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation", and adopted resolutions 1995/4, 1998/5 and 1999/3.

19. In its resolution 1995/5, the Commission expressed its alarm at the violent actions perpetrated by mercenaries and its concern about the menace the activities of mercenaries represent. Moreover, it urged States to implement steps to prevent mercenaries from using any part of their territory to destabilize any sovereign State.

20. In its resolution 1998/6, the Commission condemned States that allow mercenary activities to

take place, whether by the recruiting, training, financing or assembly and transit of mercenaries who have as their objective the overthrow of Governments of United Nations Member States. The Commission also recognized a particular danger to peace and security due to mercenary activities taking place in developing countries, particularly Africa and small States, and welcomed the adoption by some States of national legislation that restricts the use of mercenaries.

21. In its resolution 1999/3, the Commission reaffirmed the right of peoples to choose their political status without external intervention and their right to development. The Commission also stated that the activities of mercenaries are continuing to increase and take new forms, with ever better organization.

22. In the same resolution, the Commission pointed to the need for a clearer legal definition of mercenaries and to update international legislation, aiming at more efficient prevention and punishment of mercenary activities.

East Timor

23. In July 1998, Portugal responded to a note verbale sent by the Secretary-General to all Governments in May 1998 referring to General Assembly resolution 52/113 and requesting information on the right of peoples to self-determination. Portugal expressed its commitment to the people of East Timor and to negotiating a just and comprehensive solution to the problem in East Timor, emphasizing the right of the East Timorese to self-determination.

24. The United Nations never recognized the annexation of East Timor by Indonesia. Therefore, Portugal noted it was still considered the administering Power (see A/53/280).

25. In its resolution 1999/S-4/1, the Commission on Human Rights recalled the agreement between Portugal and Indonesia, requesting the Secretary-General to conduct a popular consultation on the basis of a direct, secret and universal ballot to ascertain whether the East Timorese people accepted or rejected a status of special autonomy for East Timor within the unitary Republic of Indonesia, and the agreement between these two parties and the United Nations regarding the modalities for this popular consultation, both signed on 5 May 1999.

26. A popular consultation organized and conducted by the United Nations took place on 30 August 1999. On 4 September 1999, the United Nations announced the result of the vote, which stated that the East Timorese, in rejecting the status of special autonomy, had overwhelmingly voted in favour of a process of transition towards independence.

27. On 19 October 1999, the Indonesian People's Consultative Assembly accepted the outcome of the popular consultation and decided to rescind the legislation which had integrated East Timor as a province of Indonesia. On 25 October 1999, by its resolution 1272 (1999), the Security Council established the United Nations Transitional Administration in East Timor, which is empowered to exercise all legislative and executive authority, including the administration of justice, until East Timor attains its independence.

III. Declaration on the Granting of Independence to Colonial Countries and Peoples; International Decade for the Eradication of Colonialism

28. The Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) declares in its operative paragraph 2, that all peoples have the right to self-determination, and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. In the five years since the World Summit for Social Development, the General Assembly has continued to renew the mandate of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and recognize its role in the eradication of colonialism, under the agenda item "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

29. The General Assembly has repeatedly reaffirmed its resolution 1514 (XV) and other relevant resolutions on decolonization, and has requested the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration. It has requested the Special Committee to carry out

those actions approved by it in regard to the International Decade for the Eradication of Colonialism, in all non-self-governing Territories that have not yet exercised their right to self-determination (see General Assembly resolutions 53/68 and 54/91).

30. The Special Committee continues to be in the forefront of United Nations efforts to implement the plan of action for the International Decade for the Eradication of Colonialism (1990-2000) (see General Assembly resolutions 46/181 and 54/68). Information on specific activities carried out by the Special Committee is provided in its annual reports to the General Assembly.[2] The Secretary-General has also submitted a progress report on the International Decade for the Eradication of Colonialism (A/54/219).

31. Over the last five years, the Special Committee has continued to consider the item "Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories" and the implementation of the Declaration by the specialized agencies and institutions associated with the United Nations. An account of its most recent considerations is contained in the report of the Special Committee on its work during 1999 (see also General Assembly resolutions 53/61 and 54/62).[3]

32. Action taken by the Secretariat on the Implementation of the Declaration by specialized agencies and the international institutions associated with the United Nations is reported in document A/54/119.

33. During the last year, the Special Committee has initiated a critical review of its work and programme of future work. The range of issues covered is reported in document A/54/23. In addition, the Special Committee has initiated informal consultations with administering Powers with a view to improving cooperation between the Committee and the administering Powers in order to examine ways to ascertain the wishes of the peoples of the Non-Self-Governing Territories on the basis of General Assembly resolutions.

34. In accordance with the mandate entrusted to it by the General Assembly since 1961, the Special Committee intends to continue to pursue its efforts in bringing a speedy and unconditional end to colonialism. The Special Committee has outlined its programme of work for the year 2000 and beyond.[4]

35. The Secretary-General will be submitting to the General Assembly at its fifty-fifth session a final report on the achievements of the International Decade for the Eradication of Colonialism.

IV. The right of the Palestinian people to self-determination

36. Since the World Summit for Social Development, the General Assembly has adopted a resolution every year, under the item "Right of peoples to self-determination", entitled "The right of the Palestinian people to self-determination". In the most recent of those resolutions, Assembly resolution 54/152, it reaffirmed the right of the Palestinian people to self-determination, including the option of a State; expressed the hope that the Palestinian people would soon be exercising their right to self-determination, which is not subject to any veto, in the current peace process; and urged all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in their quest for self-determination.

37. In addition, in five resolutions entitled "Peaceful settlement of the question of Palestine" adopted since March 1995, the General Assembly has stressed the need for (a) the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination, and (b) the withdrawal of Israel from the Palestinian territory occupied since 1967. In its most recent resolution, Assembly resolution 54/42, it expressed its full support for the ongoing peace process begun in Madrid and the Declaration of Principles on Interim Self-Government Arrangements of 1993 (A/48/486-S/26560, annex), as well as the subsequent implementation agreements, including the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 (A/51/1889-S/1997/357, annex) and the Sharm el-Sheikh Memorandum of 1999, and expressed the hope that the process would lead to the establishment of a comprehensive, just and lasting peace in the Middle East.

38. Since its inception in 1975, the Committee on the Exercise of the Inalienable Rights of the Palestinian People has stated that the Palestinian people have the inherent right to self-determination, national independence and sovereignty in Palestine.

Notes

[1] See *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 45* (A/54/45), chap. VI.B, decision 1, annex, para. 7.

[2] Ibid., *Supplement No. 23* (A/54/23).

[3] Ibid., chaps. V and VI.

[4] Ibid., chap. I, sect. J.